IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 476 OF 2004

IN

SUM. SUIT NO.1357 OF 2004

Rimmi Joneja . .. Plaintiff.

vs.

Anjali D. Roy & Anr. .. Defendants.

Mr. A.K, Lulla for plaintiff.

Mr. D.Y. Chitnis for defendants nos. 1 & 2.

CORAM : S.U. KAMDAR, J.

DATE : 19th SEPTEMBER, 2005.

P.C.:

. The present suit is filed for recovery of Rs. 2,50,000/-. It is an admitted position that in respect of the very same amount cheque there was a complaint filed under section 138 being case No. 16/SS/2004. The said complaint has been compromised and a sum of Rs. 3,00,000/- has been paid in full and final settlement of claim. However, the learned counsel for the plaintiff states that there is a further amount due and payable towards interest and, therefore, the suit is maintainable. In my opinion,

the whole suit is totally frivolous. Once having accepted Rs. 3 lacs as full and final settlement and having withdrawn a criminal complaint it is not permissible to maintain the suit on very same cheque. Summons for judgment taken out is also without any merit. Summons for judgment dismissed. The plaintiffs are directed to pay cost quantified at Rs. 15,000/- to the Maharashtra State Legal Services Authority.